

REMARKS

In response to the Office Action dated July 27, 2005, Applicant respectfully requests reconsideration based on the above amendment and following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 14-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Okun. This rejection is respectfully traversed for the following reasons.

Claim 14, as amended, recites, *inter alia*, "determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service, the determining based on both a predetermined schedule including at least one time period during which the incoming call is placed on hold and a list including at least one potential calling party from whom incoming calls are placed on hold." Okun fails to teach determining whether a call should be placed on hold based on a predetermined schedule and a calling party as recited in claim 14. In Okun, the user presses keys to either answer a call or place a caller on hold (see paragraph [0061]). Thus, the determination of whether to place a call on hold is based on user input. This is contrary to claim 14 that determines whether to place a call on hold based on "both a predetermined schedule including at least one time period during which the incoming call is placed on hold and a list including at least one potential calling party from whom incoming calls are placed on hold." Thus, Okun fails to teach at least this feature of claim 14.

For at least the above reasons, claim 14 is patentable over Okun. Claims 15 and 16 depend from claim 14 and are patentable over Okun for at least the reasons advanced with respect to claim 14.

Claims 6-13 and 17-22 were rejected under 35 U.S.C. § 103 as being unpatentable over Dutta in view of Okun. This rejection is respectfully traversed for the following reasons.

Dutta was relied upon for disclosing a call hold feature in which calls from defined calling parties are placed on hold. Dutta fails to teach placing a call on hold

based on a predetermined schedule including at least one time period during which the incoming call is placed on hold. Okun was relied upon for disclosing playing a message to the caller, but fails to cure the deficiencies of Dutta discussed above. Thus, even if Dutta and Okun are combined, the features of claim 6 are not taught.

For at least the above reasons, claim 6 is patentable over Dutta in view of Okun. Claims 7-13 and 21 depend from claim 6 and are patentable over Dutta in view of Okun for at least the reasons advanced with respect to claim 6. Claims 17-20 and 22 recite features similar to those discussed with reference to claim 6 and are patentable over Dutta in view of Okun for at least the reasons advanced with reference to claim 6.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: October 26, 2005